

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PABLO ULLOA,

Plaintiff,

v.

C. OFFICER HEIDIMAN,

Defendant.

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 11-16-20

20-CV-3391 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Defendant has filed a motion to dismiss this action for failure to state a claim. Dkt. 16. If Mr. Ulloa wishes to file an opposition to this motion, he shall do so no later than December 28, 2020. If Ulloa does not intend to file an opposition, but wishes to proceed with this lawsuit, he must inform the Court of this fact no later than December 28. If Ulloa chooses not to submit an opposition to the motion to dismiss, the Court will consider the motion fully submitted and will decide the motion without the benefit of Plaintiff's briefing. *See, e.g., Bethune v. Maria*, 10-CV-9070 (PAE), 2012 WL 896185, at *2 (S.D.N.Y. Mar. 16, 2012) (considering matter fully submitted where *pro se* plaintiff failed to respond to defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) after being warned that the "Court would consider the motion unopposed" if plaintiff failed to oppose the motion by specified date). **If, however, Ulloa does not respond either by way of an opposition to the motion to dismiss or a letter informing the Court he intends to proceed with this lawsuit, the Court may dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.**

The Clerk of Court is respectfully directed to mail to Plaintiff this order.

SO ORDERED.

Dated: November 16, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

RONNIE ABRAMS
United States District Judge